

REMARKS

Applicants respectfully request reconsideration of this application as amended. Claims 1-3 and 24-29 have been amended. Claims 4-23 and 30-32 have been cancelled without prejudice. New claims 33-39 have been added. Therefore, claims 1-3, 24-29 and 33-39 are presented for examination.

Oath/Declaration

As approved by the Examiner during a phone conversation, the corrected Declaration will be provided as soon as it is available.

Claim Objections

Claims 1, 4, 10, 17, 24, and 27 stand objected due of informalities.

Claim 1 has been amended to over the objection.

Claims 4, 10, 17, 24 and 27 have been cancelled without prejudice.

35 U.S.C. § 112

Claims 13-15 and 30-32 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 13-15 and 30-32 have been cancelled without prejudice.

35 U.S.C. § 102 Rejection

Claims 1-3, 7-9, 13-18, 20-21 and 24-32 stand rejected under 35 U.S.C. §102(e) as being anticipated by Ofer et al., U.S. Patent No. 6,353,869 (“Ofer”).

Applicants submit that Ofer discloses “[e]ach unsuccessful requestor adaptively delays its next poll for the lock by a *period determined as a function of its priority* in the *lock request queue* and the *average duration of a significant processor operation involving the resources*” (Abstract; see col. 2, line 66-col. 3, line 52). Stated differently, Ofer discloses using a combination of *time period* as a function of priority in the *request queue* and the *average duration* of a significant processor operation for accessing a shared resource.

In contrast, claim 1, as amended, in pertinent part, recites “the first process having a corresponding first semaphore . . . the second process having a corresponding second semaphore . . . denying the first process access to the resource if the resource is being accessed by the second process as indicated by a lock on the resource, wherein the lock is indicated at the second semaphore” (emphasis provided). Ofer, for example, does not teach or reasonably suggesting associating semaphores with the processes and using the semaphores to indicate the availability status of a resource, as recited by claim 1. Accordingly, Applicants request the withdrawal of the rejection of claim 1 and its dependent claims.

Claims 24 and 27 contain limitations similar to those of claim 1. Accordingly, Applicants request the withdrawal of the rejection of claims 24 and 27 and their dependent claims.

Claim 36 contains limitations similar to those of claim 1. Accordingly, Applicants submit claim 36 and its dependent claims are distinguished from Ofer.

35 U.S.C. § 103 Rejection

Claims 4-6 and 10-12 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Giroir et al., U.S. Patent No. 4,672,536 (“Giroir”) in view of Ofer.

Claims 4-6 and 10-12 were cancelled without prejudice.

Claims 19 and 22-23 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Ofer in view of Giroir.

Claim 19 and 22-23 were cancelled without prejudice.

Conclusion

In light of the foregoing, reconsideration and allowance of the claims is hereby earnestly requested.

Invitation for a Telephone Interview

The Examiner is requested to call the undersigned at (303) 740-1980 if there remains any issue with allowance of the case.

Request for a One-Month Extension of Time

Applicants respectfully petition for a One-Month extension of time to respond to the outstanding Office Action pursuant to 37 C.F.R. § 1.136(a). Please charge any shortage to our Deposit Account No. 02-2666 to cover the necessary fee under 37 C.F.R. § 1.17(a) for such an extension.

Charge our Deposit Account

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,

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Date: February 16, 2005


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